

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

MICHAEL JAMES HILL, *
*
Plaintiff, *
*
v. * CASE NO. 5:11-CV-331-MTT-MSH
* 42 U.S.C. § 1983
CARL HUMPHREY, *et al.*, *
*
Defendants. *

**NOTIFICATION OF DEFENDANTS' FILING OF
SUMMARY JUDGMENT MOTION**

Defendants Humphrey, Malone, and Smith have filed a Motion to Dismiss, accompanied by a brief and other supporting material. The court is required to adequately advise the Plaintiff of the significance of the Defendants' Motion to Dismiss pursuant to *Griffith v. Wainwright*, 772 F.2d 822 (11th Cir. 1985). In an effort to afford the Plaintiff, who is proceeding *pro se*, adequate notice and time to respond to Defendants' motion, the following notice is given. Therefore, Plaintiff is **ORDERED** to respond to Defendant's motion to dismiss and show why his Complaint should not be dismissed.

The law provides that the party against whom dismissal is sought must be given a ten (10) day notice of the dismissal rules. In addition, the party against whom a motion to dismiss has been filed has the right to file a brief in opposition to the motion. If a plaintiff fails to file a brief in opposition to the motion to dismiss, a final judgment may be rendered against him if otherwise appropriate under law.

**FAILURE OF THE PLAINTIFF HEREIN TO RESPOND TO AND REBUT
THE LEGAL ARGUMENTS SET FORTH IN THE DEFENDANTS' BRIEF MAY
RESULT IN SAID STATEMENTS BEING ACCEPTED AS UNCONTESTED
AND CORRECT.** The court could grant judgment to the Defendants and there would be no further proceedings. Accordingly, Plaintiff is **NOTIFIED** of his right to file a Response to Defendants' Motion to Dismiss in accordance with the Federal Rules of Civil Procedure. Any such response should be filed **WITHIN THIRTY (30) DAYS**. Thereafter, the court will consider Defendants' Motion to Dismiss and any opposition to same filed by Plaintiff and issue its ruling thereon.

SO ORDERED this 28th day of November, 2011.

S/ Stephen Hyles
UNITED STATES MAGISTRATE JUDGE